THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE DR.JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1777 OF 2005.

Between

M.Prabhakar son of K.K.Nair,

Aged 34 yrs, r/0 H.No.11-385,

Srinivasa nagar, Secunderabad

....Appellant

And

1 Karnataka Antibiotics & Pharmaceuticals

Ltd., a Govt. of India Enterprise having its

Registered & Corporate Office at 80 feet road,

1st block, Rajajinagar, Bangalore, rep. By its

Regional Sales Manager Mr.P.Seshagiri Rao

And 3 others.

....Respondents

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellant herein seeks to assail the order passed by the learned single Judge on 09-09-2005, whereby review application filed by the respondent was sought to be dragged on in the writ petition and the writ petition was taken up at the earliest by fixing the date of hearing. The main grievance of the appellant is that as long as writ petition proceedings are pending, question of denying the benefit under Section 17-B of the Industrial Disputes Act, 1947, does not arise especially in view of the facts and circumstances and therefore, necessarily that aspect has to be gone into in the review. However, the learned counsel for the respondents opposes the very entitlement of the claim under Section 17-B of the I.D. Act by citing various authorities.

Having heard the learned counsel on either side and on perusal of the record and especially in view of the question involved and various citations submitted by both sides, it is felt desirable that the review application be disposed of on merits independently to dehors the main writ petition itself rather than taking all the applications along with the writ petition. Further, it also necessitates in view of the fact that the respondent has filed contempt application in C.C.No.798 of 2005. In those circumstances, it is felt desirable that the said review application and also C.C.No.798 of 2005 shall be disposed of together.

Accordingly, the writ appeal is disposed of. Office is directed to post the aforesaid matters before the learned single Judge. No costs.

B.PRAKASH RAO, J

G.YETHIRAJULU, J

Dated: 28-09-2005

Hsd